IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CANTIGNY LIGHTING CONTROL, LLC Plaintiff, vs. INTERMATIC INCORPORATED Defendant.	Civil Action No. 1:16-cv-10952 **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGMENT

Plaintiff Cantigny Lighting Control, LLC ("Cantigny") complains of Defendant Intermatic Incorporated ("Intermatic") as follows:

THE PARTIES

1. Plaintiff Cantigny is an Illinois limited liability company having a place of business at 2018 Dorset Drive, Wheaton, IL 60189. Cantigny holds total legal ownership of and has standing to sue for infringement of U.S. Patent Nos. 8,816,610, entitled "Configurable Light Timer and a Method of Implementing a Configurable Light Timer," 8,901,858, entitled "User Interface and a Method of Implementing a User Interface of a Configurable Light Timer," and 9,049,116, entitled "Configurable Light Timer and Method of Receiving Data to Control the Operation of a Configurable Light Timer," (collectively, the "Cantigny Patents") whose inventor is John Joseph King. Mr. King is a prolific inventor of 20 patent publications in the field of configurable circuit technology and control solutions. The Cantigny Patents relate to light timers, and in particular to circuits for, and methods of receiving data to control the operation of configurable light timers, as well as user interfaces of configurable light timers and methods for implementing user interfaces for configurable light timers.

2. Defendant Intermatic is a Delaware corporation having a principal place of business at 777 Winn Road, Spring Grove, IL 60081. Cantigny contends that Intermatic's configurable light timer products and technology infringe the Cantigny Patents as alleged below. Intermatic has previously and is presently making, using, selling, offering for sale, and/or importing into the United States products that infringe one or more claims of the Cantigny Patents.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, e.g., 35 U.S.C. §§ 271, 281, 283-285. Subject matter jurisdiction exists under 28 U.S.C. §§ 1331 and 1338(a).

4. Intermatic has transacted business by making, using, selling, or offering to sell and distributing products, in this judicial district, that infringe the Cantigny Patents. Accordingly, this Court has personal jurisdiction over Intermatic, and venue is proper in this Court under 28 U.S.C. § 1391(c) and/or 1400(b).

FACTUAL BACKGROUND

5. Prior to August 2014 (the earliest date of issuance of the Cantigny Patents, namely the '610 Patent) but after the priority dates of the Cantigny Patents, Intermatic developed light timer products such as the ET90000 Series, programmable light timers that control lighting schedules for housing and building complexes, and which are adapted to receive data from a portable memory to control their operation. Intermatic continues to manufacture, market and distribute the ET90000 Series and various other light timer products, such as the ET8215B and ET2000 Series.

6. Intermatic has known of the Cantigny patent portfolio since at least October 2013, when discussion began between Mr. King and Kim Boland, VP of Engineering for Intermatic. At

that time Mr. King owned the rights in the Cantigny portfolio prior to assigning them to his limited liability company, Cantigny, in July 2015. When Mr. King and Ms. Boland met, Mr. King provided Ms. Boland with information about pending applications, including those identified as describing USB-programmability of lighting timer schedules.

7. In September 2014, Mr. King met Intermatic a second time, this time with David Sathoff and Patrick Alog. The ’610 Patent had issued a month earlier, and Mr. King notified Messrs. Sathoff and Alog of this fact.

8. In October 2014, Mr. Sathoff indicated to Mr. King that Intermatic did not need the King patents for future products. That information was not correct, as Intermatic has included the technology described by the Cantigny patents in its products. In December 2014, the ’858 Patent issued. In June 2015, the ’116 Patent issued.

9. Mr. King formed Cantigny in or around July 2015, and assigned the Cantigny patents to it. On July 21, 2015, Cantigny sent a formal notice of infringement to Intermatic through its outside counsel (addressed to Mr. Richard G. Boutilier, CEO and Chairman of Intermatic, copying Ms. Boland). The letter recounted contacts to date, and notified Intermatic of Cantigny’s infringement. In the letter, Cantigny offered to negotiate a royalty-bearing licensing arrangement to permit Intermatic to continue practicing the Cantigny-owned technology. The letter conveyed Cantigny’s desire to discuss ways that the two companies could work together on future ideas.

10. On April 19, 2016, Cantigny and Intermatic executed a mutual confidentiality, disclosure, and six month non-assertion agreement.

11. After one mutually agreed extension, the non-assertion agreement is now expired.

12. Infringing Intermatic products include, but are not limited to, its configurable light timer products including the ET2000 Series, ET8215B, and ET90000 Series.

COUNT I

INFRINGEMENT OF THE '610 PATENT

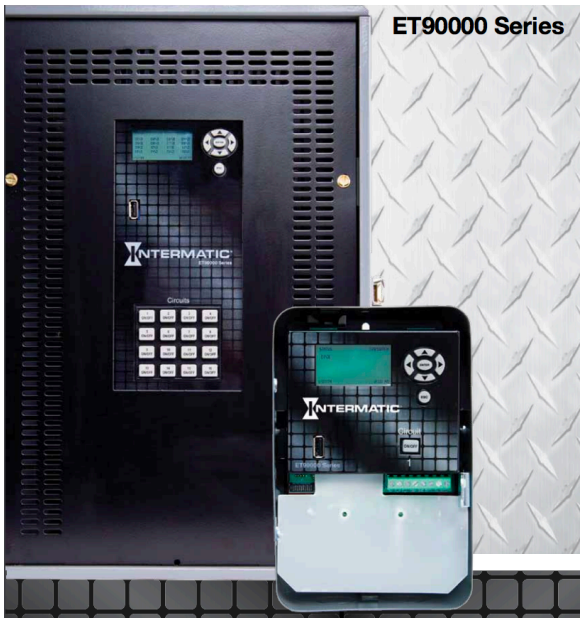
13. Cantigny hereby incorporates paragraphs 1-12 above by reference.

14. Intermatic has directly infringed and continues to directly infringe at least claims 9, 15, 17, 18, and 20 of the '610 Patent through using, selling and/or importing its configurable light timer products. On information and belief, Intermatic uses the infringing products at various trade shows in the United States, and, in testing.

15. Intermatic has also knowingly (since at least September 2014) and intentionally actively aided, abetted and induced others to directly infringe at least one claim of the '610 Patent (such as its customers in this judicial district and throughout the United States). Intermatic continues to induce infringement of the '610 Patent. Intermatic has contributorily infringed and is a contributory infringer because, with knowledge of the '610 Patent (since at least September 2014), it supplies a material part of a claimed combination, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use. Intermatic contributes to its customers' infringement because, with knowledge of the '610 Patent, it supplies the technology that allows its customers to infringe the patent.

16. What follows is an example claim application to a specific Intermatic product. The mapping of the claims would be substantially the same when made to other infringing products. Claim 15 is an exemplary infringed claim. Its preamble states: "A method of implementing a configurable light timer, the method comprising:."

17. Products such as the ET90000 Series provide a method of implementing a configurable light timer. The ET90000 Series timer is a configurable light timer. It allows a user to automatically bring up and shut down lights. Below is a photo of the ET90000 Series:



Source: http://www.intermatic.com/-/media/inriver/5243-8339.ashx/ET90000%20Brochure (last visited November 21, 2016).

18. After the preamble, the first limitation of claim 15 states: "receiving a portable memory device having timing characterization data comprising an on/off setting having an on time and an off time for the configurable light timer."

19. Products such as the ET90000 Series contain this first limitation. The ET90000 Series Electronic Timer receives, via an input portion, timing characterization data comprising an on/off setting having an on time and an off time. The ET90000 has a USB port, which receives a USB stick which has the timing characterization data comprising the on/off setting, as indicated by the ET90000 series product documentation. Many of the timers of the ET90000 Series have a "USB Port":

Features:	ET90115C	ET90115CE	ET90115CR	ET90115CRE	ET90215C
# Circuits	1	1	1	1	2
Auto-Voltage	Yes	Yes	Yes	Yes	Yes
Auto Voltage	120-277 VAC	120-277 VAC	120-277 VAC	120-277 VAC	120-277 VAC
Switch Rating	30 A	30 A	30 A	30 A	30 A
Switch Type	SPDT	SPDT	SPDT	SPDT	2 x SPDT
Pulse	Yes (Adjustable)	Yes (Adjustable)	Yes (Adjustable)	Yes (Adjustable)	Yes (Adjustable)
Holidays	99	99	99	99	99
USB Port	No	Yes	No	Yes	No
LED Compatible	Yes (5 A per CIR)	Yes (5 A per CIR)	Yes (5 A per CIR)	Yes (5 A per CIR)	Yes (5 A per CIR)
Enclosure	NEMA 1 Metal	NEMA 1 Metal	NEMA 3R Metal	NEMA 3R Metal	NEMA 1 Metal
Auto DST Adj.	Yes	Yes	Yes	Yes	Yes
# Set Points	2000	2000	2000	2000	2000
Backup	100-Hour Supercap	100-Hour Supercap	100-Hour Supercap	100-Hour Supercap	100-Hour Supercap
Warranty	3-Year	3-Year	3-Year	3-Year	3-Year
Mech-Only Avail.	No	No	No	No	No
Ethernet Port	No	Yes	No	Yes	No
Two-Hour Override	Yes, via programming	Yes, via programming	Yes, via programming	Yes, via programming	Yes, via programming
Remote Override	Yes	Yes	Yes	Yes	Yes

ET90215CE	ET90215CR	ET90215CRE	ET90415CR	ET90815CR	ET91215CR	ET91615CR
2	2	2	4	8	12	16
Yes	Yes	Yes	Yes	Yes	Yes	Yes
120-277 VAC	120-277 VAC	120-277 VAC	120-277 VAC	120-277 VAC	120-277 VAC	120-277 VAC
30 A	30 A	30 A	30 A	30 A	30 A	30 A
2 x SPDT	2 x SPDT	2 x SPDT	4 x SPDT or 2 x DPDT	8 x SPDT or 4 DPDT	12 x SPDT or 6 x DPDT	16 x SPDT or 8 x DPDT
Yes (Adjustable)	Yes (Adjustable)	Yes (Adjustable)	Yes (Adjustable)	Yes (Adjustable)	Yes (Adjustable)	Yes (Adjustable)
99	99	99	99	99	99	99
Yes	No	Yes	Yes	Yes	Yes	Yes
Yes (5 A per CIR)	Yes (5 A per CIR)	Yes (5 A per CIR)	Yes (5 A per CIR)	Yes (5 A per CIR)	Yes (5 A per CIR)	Yes (5 A per CIR)
NEMA 1 Metal	NEMA 3R Metal	NEMA 3R Metal	NEMA 3R Metal	NEMA 3R Metal	NEMA 3R Metal	NEMA 3R Metal
Yes	Yes	Yes	Yes	Yes	Yes	Yes
2000	2000	2000	2000	2000	2000	2000
100-Hour Supercap	100-Hour Supercap	100-Hour Supercap	100-Hour Supercap	100-Hour Supercap	100 Hour Supercap	100 Hour Supercap
3-Year	3-Year	3-Year	3-Year	3-Year	3-Year	3-Year
No	No	No	No	No	No	No
Yes	No	Yes	Yes	Yes	Yes	Yes
Yes, via programming	Yes, via programming	Yes, via programming	Yes, via programming	Yes, via programming	Yes, via programming	Yes, via programming
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Source: ET Portfolio Cross Reference, http://www.intermatic.com/-/media/inriver/5302-8357.ashx/ET%20Portfolio%20Cross%20Reference (last visited November 21, 2016)

The USB Port is used to download timing schedules:

> Perform the Restore procedure to load schedules from a USB stick and override an existing schedule or recover schedule information lost or modified. You can also perform this procedure to quickly configure schedules based on settings from another ET90000.

ET90000 USB Restore Instructions, http://www.intermatic.com/-/media/inriver/5251-8345.ashx/ET90000%20USB%20Restore%20Instructions (last visited November 21, 2016)

The timing characterization data in the schedules comprises ON and OFF times:

Features

- Program can be repeated on an annual basis
- Automatic input voltage selection from 120-277 VAC, 50/60 Hz
- To-the-minute programming for accurate load control and reduced energy costs
- Astronomic feature provides sunset ON and sunrise OFF settings to eliminate the need for separate photo control devices
- Astronomic programming can be combined with independent programs to provide a sunset ON and timed OFF program
- Up to 4,000 setpoints or events can be distributed throughout the year
- Easy programming, replication, and backup of schedules via USB port
- Remote control and monitoring via Ethernet connection
- Automatic Daylight Saving Time (DST) adjustment (factory enabled)
- Non-volatile memory protects programming indefinitely
- Temporary override or permanent manual override available via control buttons
- Future upgrading available through in-field firmware updates and relay module expansions

ET90000 Specifications, http://www.intermatic.com/-/media/inriver/5257-8351.ashx/ET90000%20Specifications (last visited November 21, 2016)

20. After the first limitation, the second limitation of claim 15 states: "detecting, by a control circuit, the portable memory device inserted into the configurable light timer."

21. Products such as the ET90000 Series contain this second limitation. The control circuit detects whether the USB stick is in use or not. For example, after the USB stick is inserted and before advanced options for using the USB stick are selected, the ET90000 displays the message "USB STICK NOT IN USE OK TO REMOVE".

Copying schedules to a USB stick enables users to transfer schedules to different ET90000 devices. It also provides users a backup resource for schedules in case of an emergency.

1. If you haven't already done so, return the ET90000 display to the main screen.
2. Insert a USB memory stick.
3. When the message *USB STICK NOT IN USE OK TO REMOVE* appears, press **ENTER**.
4. Press the down arrow to highlight **ADVANCED OPTIONS** and then press **ENTER**.
5. Press the left arrow to advance to the **SYSTEM CONFIG** screen.
6. Press the down arrow to highlight **USB COPY/RESTORE** and then press **ENTER**. The **SYS.USB** screen appears.
7. Press the down arrow to highlight **PROGRAM COPY** and then press **ENTER**.
8. When the message *THIS WILL BACK UP THE PROGRAMMED SCHEDULE TO THE USB DRIVE. PRESS ENTER TO BEGIN* appears, press **ENTER**.
9. Create a name for the schedule that you want to copy to the USB stick. **NOTE:** Use the arrow buttons to select a character and press **ENTER** to scroll to the next character.
10. When the desired scheduled name is on the display, press an arrow button to highlight **ACCEPT** and then press **ENTER**. The message *COPYING FILE TO USB* along with percent complete appears.
11. When the message *COPYING COMPLETE PLEASE REMOVE THE USB DRIVE NOW* appears, remove the USB memory stick.
12. Press **ENTER**.
13. Press **ESC** to scroll back to the main screen.

Source: ET90000 USB Copy Instructions, http://www.intermatic.com/-/media/inriver/5258-8352.ashx/ET90000%20USB%20Copy%20Instructions (last visited November 21, 2016)

22. After the second limitation, the third limitation of claim 15 states: "providing an internal memory."

23. Products such as the ET90000 provide an internal memory. As indicated below, the ET90000's features include "non-volatile memory protects programming indefinitely:

- Non-volatile memory protects programming indefinitely

ET90000 Sell Sheet, page 1

http://www.intermatic.com/-/media/inriver/5256-8350.ashx/ET90000%20Sell%20Sheet (last visited November 21, 2016)

24. After the third limitation, the fourth limitation of claim 15 states: "downloading the timing characterization data to the internal memory after the portable memory device is detected in the configurable light timer."

25. Products such as the ET90000 Series contain this limitation as indicated in the product documentation. The timing characterization data is downloaded to the internal memory of the ET90000 via the USB port, after the USB is inserted and detected by the control circuit.

> **Perform the Restore procedure to load schedules from a USB stick and override an existing schedule or recover schedule information lost or modified. You can also perform this procedure to quickly configure schedules based on settings from another ET90000.**

ET90000 USB Restore Instructions, http://www.intermatic.com/-/media/inriver/5251-8345.ashx/ET90000%20USB%20Restore%20Instructions (last visited November 21, 2016)

The USB Port of the ET90000 allows the transferring of schedule programs. Thus a schedule program (timing characterization data) is downloaded to the internal memory of the ET90000.

> **Copying schedules to a USB stick enables users to transfer schedules to different ET90000 devices. It also provides users a backup resource for schedules in case of an emergency.**

ET90000 USB Copy Instructions, http://www.intermatic.com/en/timer-controls/electronic-controls/et91615cr (last visited November 21, 2016)

"USB Support for Easy Programming" is a feature of many of the ET90000 series timers:

Small Case Enclosures	ET90115C	ET90115CR	ET90115CE	ET90115CRE	ET90215C	ET90215CR	ET90215CE	ET90215CRE
Number of Circuits	1	1	1	1	2	2	2	2
Raintight Enclosure		✔		✔		✔		✔
Astronomic Timing	✔	✔	✔	✔	✔	✔	✔	✔
Automatic Daylight Saving Time	✔	✔	✔	✔	✔	✔	✔	✔
Modifiable Daylight Saving Time	✔	✔	✔	✔	✔	✔	✔	✔
Automatic Input Voltage Selection	✔	✔	✔	✔	✔	✔	✔	✔
Firmware Upgradable In-Field	✔	✔	✔	✔	✔	✔	✔	✔
On-Screen Menu-Based Display	✔	✔	✔	✔	✔	✔	✔	✔
Supercapacitor Date and Time Backup	✔	✔	✔	✔	✔	✔	✔	✔
External Serial Inputs	✔	✔	✔	✔	✔	✔	✔	✔
External CAN Device Support	✔	✔	✔	✔	✔	✔	✔	✔
USB Support for Easy Programming	✔	✔	✔	✔	✔	✔	✔	✔
USB Support for Firmware Updates	✔	✔	✔	✔	✔	✔	✔	✔
Ethernet Support for Status and Control			✔	✔			✔	✔
Ethernet Support for Easy Programming			✔	✔			✔	✔
Ethernet Support for Firmware Updates			✔	✔			✔	✔

Large Case Enclosures	ET90415CR	ET90815CR	ET91215CR	ET91615CR
Number of Circuits	4	8	12	16
Raintight Enclosure	✔	✔	✔	✔
Astronomic Timing	✔	✔	✔	✔
Automatic Daylight Saving Time	✔	✔	✔	✔
Modifiable Daylight Saving Time	✔	✔	✔	✔
Automatic Input Voltage Selection	✔	✔	✔	✔
Firmware Upgradable In-Field	✔	✔	✔	✔
On-Screen Menu-Based Display	✔	✔	✔	✔
Supercapacitor Date and Time Backup	✔	✔	✔	✔
External Serial Inputs	✔	✔	✔	✔
External CAN Device Support	✔	✔	✔	✔
USB Support for Easy Programming	✔	✔	✔	✔
USB Support for Firmware Updates	✔	✔	✔	✔
Ethernet Support for Status and Control	✔	✔	✔	✔
Ethernet Support for Easy Programming	✔	✔	✔	✔
Ethernet Support for Firmware Updates	✔	✔	✔	✔

ET90000 Sell Sheet, page 2

http://www.intermatic.com/-/media/inriver/5256-8350.ashx/ET90000%20Sell%20Sheet

(last visited November 21, 2016)

26. After the fourth limitation, the fifth limitation of claim 15 states: "providing a status of the downloading of the timing characterization data."

27. Products such as the ET90000 Series contain this limitation. A status of the downloading of the timing characterization data is shown on the ET90000's status screen ("Easy-to-follow on screen menus for programming to-the-minute accuracy"):

- Easy-to-follow on-screen menus for programming to-the-minute accuracy

Source: http://www.intermatic.com/en/timer-controls/electronic-controls/et91615cr (last visited November 21, 2016)

When copying data to a USB stick, messages shown on the status screen include "COPYING FILE TO USB" and "COPYING COMPLETE. PLEASE REMOVE THE USB DRIVE NOW".

Copying schedules to a USB stick enables users to transfer schedules to different ET90000 devices. It also provides users a backup resource for schedules in case of an emergency.

1. If you haven't already done so, return the ET90000 display to the main screen.
2. Insert a USB memory stick.
3. When the message *USB STICK NOT IN USE OK TO REMOVE* appears, press **ENTER**.
4. Press the down arrow to highlight **ADVANCED OPTIONS** and then press **ENTER**.
5. Press the left arrow to advance to the **SYSTEM CONFIG** screen.
6. Press the down arrow to highlight **USB COPY/RESTORE** and then press **ENTER**. The **SYS.USB** screen appears.
7. Press the down arrow to highlight **PROGRAM COPY** and then press **ENTER**.
8. When the message *THIS WILL BACK UP THE PROGRAMMED SCHEDULE TO THE USB DRIVE. PRESS ENTER TO BEGIN* appears, press **ENTER**.
9. Create a name for the schedule that you want to copy to the USB stick. **NOTE:** Use the arrow buttons to select a character and press **ENTER** to scroll to the next character.
10. When the desired scheduled name is on the display, press an arrow button to highlight **ACCEPT** and then press **ENTER**. The message *COPYING FILE TO USB* along with percent complete appears.
11. When the message *COPYING COMPLETE PLEASE REMOVE THE USB DRIVE NOW* appears, remove the USB memory stick.
12. Press **ENTER**.
13. Press **ESC** to scroll back to the main screen.

Source: ET90000 USB Copy Instructions, http://www.intermatic.com/-/media/inriver/5258-8352.ashx/ET90000%20USB%20Copy%20Instructions (last visited November 21, 2016)

28. After the fifth limitation, the sixth and final limitation of claim 15 states: "applying the on time and the off time of the timing characterization data based upon a current time maintained by the configurable light timer."

29. Intermatic's configurable light timer products contain this limitation. Each series time switch applies the on time and the off time of the timing characterization data based upon a current time maintained by the configurable light timer. For example, the control circuit of the ET90000 applies the on time and the off time of the timing characterization data based upon a current time. "Astronomic feature provides sunset On and sunrise OFF settings to eliminate the need for separate photo control devices"; "Astronomic programming can be combined with

independent programs to provide a sunset ON and timed OFF program"; "Automatic Daylight Saving Time (DST) adjustment (factory enabled)":

Features

- Program can be repeated on an annual basis
- Automatic input voltage selection from 120-277 VAC, 50/60 Hz
- To-the-minute programming for accurate load control and reduced energy costs
- Astronomic feature provides sunset ON and sunrise OFF settings to eliminate the need for separate photo control devices
- Astronomic programming can be combined with independent programs to provide a sunset ON and timed OFF program
- Up to 4,000 setpoints or events can be distributed throughout the year
- Easy programming, replication, and backup of schedules via USB port
- Remote control and monitoring via Ethernet connection
- Automatic Daylight Saving Time (DST) adjustment (factory enabled)
- Non-volatile memory protects programming indefinitely
- Temporary override or permanent manual override available via control buttons
- Future upgrading available through in-field firmware updates and relay module expansions

ET90000 Specifications, http://www.intermatic.com/-/media/inriver/5257-8351.ashx/ET90000%20Specifications (last visited November 21, 2016)

30. As a direct and proximate consequence of the infringement, Cantigny has been, is being, and, unless such acts and practices are enjoined by the Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to compensate for such infringement, but in no event less than a reasonable royalty.

31. Cantigny reserves the right to amend the pleadings to state claims for infringement for claims of the '610 Patent not mentioned in ¶ 14.

COUNT II

INFRINGEMENT OF THE '858 PATENT

32. Cantigny hereby incorporates paragraphs 1-31 above by reference.

33. Intermatic has directly infringed and continues to directly infringe at least claims 2, 3, 4, 5, 6, 15, 16, 17, 18, and 20 of the '858 Patent through using, selling and/or importing its

configurable light timer products. On information and belief, Intermatic uses the infringing products at various trade shows in the United States, and, in testing.

34. Intermatic has also knowingly (since at least July 21, 2015) and intentionally actively aided, abetted and induced others to directly infringe at least one claim of the ’858 Patent (such as its customers in this judicial district and throughout the United States). Intermatic continues to induce infringement of the ’858 Patent. Intermatic has contributorily infringed and is a contributory infringer because, with knowledge of the ’858 Patent (since at least July 21, 2015), it supplies a material part of a claimed combination, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use. Intermatic contributes to its customers’ infringement because, with knowledge of the ’858 Patent, it supplies the technology that allows its customers to infringe the patent.

35. What follows is an example claim application to a specific Intermatic product. The mapping of the claims would be substantially the same when made to other infringing products. Claim 15 is an exemplary infringed claim. Its preamble states: “A method of implementing a configurable light timer controlling a light, the method comprising:.”

36. Products such as the ET2000 series provide a method of implementing a configurable light timer. They are programmable electrical control timers where lighting is a main application. Below is a photo of the ET2125C:

Source: http://www.intermatic.com/-/media/inriver/5161-8268.ashx (last visited November 21, 2016).

The above product documentation for the ET2100 Series states "[t]he ET2100 Series 365/24-Hour Electronic Controls feature 24-hour programming. Up to 48 ON and 48 OFF events can be preset to automatically repeat, and can handle complex 24-hour schedules."

37. After the preamble, the first limitation of claim 15 states: "receiving a portable memory device having timing characterization data, wherein the timing characterization data comprises a plurality of sets of data, and each set of data has at least one on time and one off time."

38. Products such as the ET2000 Series contain this first limitation. These products receive, via a USB port, a portable memory device (a USB drive) having timing characterization data comprising an on/off setting having an on time and an off time for the configurable light timer, as indicated by the ET2100 series product documentation:

- USB port to easily copy and paste schedules from one control to another or simply backup schedule
- Automatic Daylight Saving Time (DST) ON/OFF adjustment
- Non-volatile EEPROM memory for lifetime programming protection
- Temporary override or permanent manual override available via control buttons
- Additional mode of operation allows for ON/OFF buttons to become a 2 hour override control

Source: http://www.intermatic.com/-/media/inriver/5161-8268.ashx (last visited November 21, 2016).

The timing characterization data comprises a plurality of sets of data: "Up to 48 ON and 48 OFF events can be preset to automatically repeat, and can handle complex 24-hour schedules."

ET2100 Series

365/24-Hour Electronic Control

The ET2100 Series 365/24-Hour Electronic Controls feature 24-hour programming. Up to 48 ON and 48 OFF events can be preset to automatically repeat, and can handle complex 24-hour schedules.

Source: http://www.intermatic.com/-/media/inriver/5161-8268.ashx (last visited November 21, 2016)

39. After the first limitation, the second limitation of claim 15 states: "receiving the timing characterization data at a memory of the configurable light timer."

40. Products such as the ET2000 Series contain this second limitation because the timers provide an internal memory, a non-volatile EEPROM:

- Non-volatile EEPROM memory for lifetime programming protection

Source: http://www.intermatic.com/-/media/inriver/5161-8268.ashx (last visited November 21, 2016).

41. After the second limitation, the third limitation of claim 15 states: "selecting, responsive to a current date of the configurable light timer, a set of data of the plurality of sets of data."

42. Products such as the ET2000 Series contain this third limitation. For each timer, the set of data is selected based upon the way the timer is programmed.

Programming Overview

The steps to program the time switch include setting the current date, time, fixed events, DST, and holiday events, setting the time switch's operation to AUTO mode, ENERGY SAVER mode or MANUAL mode (only MANUAL mode will appear if there are no scheduled events) and read or write an event schedule from a USB memory stick.

NOTE: If the time switch is left inactive for five minutes in a programming mode, it will return to the AUTO mode screen (**AUTO** icon turned on). If no scheduled events are programmed, the time switch will return to MANUAL mode. If the date has not yet been entered, the time switch will go to the Enter Date Mode.

Source: http://www.intermatic.com/-/media/inriver/5166-8270.ashx (last visited November 21, 2016)

43. After the third limitation, the fourth and final limitation of claim 15 states: "implementing the configurable light timer based upon the selected set of data of the timing characterization data after the portable memory device is removed."

44. Products such as the ET2000 Series contain this fourth limitation as set forth in ¶ 42, because the timer is implemented based upon user programming.

45. As a direct and proximate consequence of the infringement, Cantigny has been, is being, and, unless such acts and practices are enjoined by the Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to compensate for such infringement, but in no event less than a reasonable royalty.

46. Cantigny reserves the right to amend the pleadings to state claims for infringement for claims of the '858 Patent not mentioned in ¶ 33.

COUNT III

INFRINGEMENT OF THE '116 PATENT

47. Cantigny hereby incorporates paragraphs 1-46 above by reference.

48. Intermatic has directly infringed and continues to directly infringe at least claims 2, 5, 6, 9, 11, 12, 13, 17, 18, and 19 of the '116 Patent through using, selling and/or importing its

configurable light timer products. On information and belief, Intermatic uses the infringing products at various trade shows in the United States, and, in testing.

49. Intermatic has also knowingly (since at least July 21, 2015) and intentionally actively aided, abetted and induced others to directly infringe at least one claim of the '116 Patent (such as its customers in this judicial district and throughout the United States). Intermatic continues to induce infringement of the '116 Patent. Intermatic has contributorily infringed and is a contributory infringer because, with knowledge of the '116 Patent (since at least July 21, 2015), it supplies a material part of a claimed combination, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use. Intermatic contributes to its customers' infringement because, with knowledge of the '116 Patent, it supplies the technology that allows its customers to infringe the patent.

50. What follows is an example claim application to a specific Intermatic product. The mapping of the claims would be substantially the same when made to other infringing products. Claim 2 is an exemplary infringed claim. "Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim." 37 C.F.R. § 1.75(c). Claim 2's preamble, as it depends from claim 1, states: "A configurable light timer adapted to receive data to control the operation of the configurable light timer, the configurable light timer comprising:."

51. Products such as the ET2000 series are configurable light timers adapted to receive data to control the operation of the configurable light timer as set forth in ¶¶ 36, 38.

52. After the preamble, the first limitation of claim 2 states: "a control circuit."

53. Products such as the ET2000 Series contain this first limitation. Each timer has a control circuit that reads data from the inserted USB drive ("The time switch has the capability to

read program data (event schedules, holidays, output configuration, DST on/off setting, DST rule setting and geographical location) from a USB memory stick."):

Reading Time Switch Program Data from a USB Memory Stick

The time switch has the capability to read program data (event schedules, holidays, output configuration, DST on/off setting, DST rule setting and geographical location) from a USB memory stick. Follow these steps to transfer all programming from a USB memory stick to the time switch:

1. Press MODE to advance until *rd USb* is displayed.
2. Insert a USB memory stick containing the desired data file into the USB port on the front face of the time switch.
3. Press ENTER and *insUSb* is briefly displayed.
4. *SCHEdL.xx* is displayed where xx is the first data file number found on the USB memory stick.
5. Press + or - to scroll through the data files on the USB memory stick (if more than one file is stored on this stick).
6. When the desired number is displayed, press ENTER and the time switch will read the data file from the USB memory stick.
7. After the file is read into the time switch, *DONE* is briefly shown on the display followed by *REMOVE*.
8. Remove the USB memory stick and the time switch will advance to the next mode selection. If all procedures are completed, press MODE repeatedly until back to the operating mode selection (AUTO, ENERGY SAVER, MANUAL).

Source: http://www.intermatic.com/-/media/inriver/5166-8270.ashx (last visited November 21, 2016)

54. After the first limitation, the second limitation of claim 2 states: "an input portion coupled to receive a portable memory device by way of a connector on the configurable light timer, wherein the portable memory device stores data having an on time and an off time to be used by the configurable light timer and is configured to be removed after the data is downloaded."

55. Products such as the ET2000 Series contain this second limitation. Each timer has an input portion (a USB port) coupled to receive a portable memory device (a USB drive) that contains timing schedules having at least one on time and one off time, as set forth in ¶ 38. After the data is downloaded, the USB drive is removed. Refer to step 7 below. After a successful download of the timing characterization data, "DONE" is briefly shown on the display followed by "REMOVE".

Reading Time Switch Program Data from a USB Memory Stick

The time switch has the capability to read program data (event schedules, holidays, output configuration, DST on/off setting, DST rule setting and geographical location) from a USB memory stick. Follow these steps to transfer all programming from a USB memory stick to the time switch:

1. Press MODE to advance until *rd USb* is displayed.
2. Insert a USB memory stick containing the desired data file into the USB port on the front face of the time switch.
3. Press ENTER and *insUSb* is briefly displayed.
4. *SCHEdL.xx* is displayed where xx is the first data file number found on the USB memory stick.
5. Press + or - to scroll through the data files on the USB memory stick (if more than one file is stored on this stick).
6. When the desired number is displayed, press ENTER and the time switch will read the data file from the USB memory stick.
7. After the file is read into the time switch, *DONE* is briefly shown on the display followed by *REMOVE*.
8. Remove the USB memory stick and the time switch will advance to the next mode selection. If all procedures are completed, press MODE repeatedly until back to the operating mode selection (AUTO, ENERGY SAVER, MANUAL).

Source: http://www.intermatic.com/-/media/inriver/5166-8270.ashx (last visited November 21, 2016)

56. After the second limitation, the third limitation of claim 2 states: "a memory coupled to receive the data stored on the portable memory device."

57. Products such as the ET2000 Series contain this third limitation as set forth in ¶ 40.

58. After the third limitation, the fourth limitation of claim 2 states: "wherein the control circuit accesses the data from the memory after the data is downloaded and the portable memory device is removed."

59. Products such as the ET2000 Series contain this limitation. The control circuit for each timer accesses the data from the memory for each programmed event. See ¶ 42.

60. After the fourth limitation, the fifth limitation of claim 2 states: "wherein the control circuit applies the on time and the off time of the data based upon a current time maintained by the configurable light timer."

61. Products such as the ET2000 Series contain this limitation. For example, product documentation for the ET2000 Series indicates "Up to 48 ON and 48 OFF events can be present to automatically repeat":

ET2100 Series

365/24-Hour Electronic Control

The ET2100 Series 365/24-Hour Electronic Controls feature 24-hour programming. Up to 48 ON and 48 OFF events can be preset to automatically repeat, and can handle complex 24-hour schedules.

Source: http://www.intermatic.com/-/media/inriver/5161-8268.ashx (last visited November 21, 2016)

62. After the fifth limitation, the sixth and final limitation of claim 2 states: "further comprising a feedback portion providing an indication that the configurable light timer is receiving the data from the portable memory device."

63. Intermatic's configurable light timer products contain this limitation. For example, see step 4 in the product documentation below. SCHEdL.xx is displayed where xx is the first data file number found on the USB memory stick. Refer also to step 7. After the file is read into the time switch, DONE is briefly shown on the display followed by REMOVE.

Reading Time Switch Program Data from a USB Memory Stick

The time switch has the capability to read program data (event schedules, holidays, output configuration, DST on/off setting, DST rule setting and geographical location) from a USB memory stick. Follow these steps to transfer all programming from a USB memory stick to the time switch:

1. Press MODE to advance until *rd USb* is displayed.
2. Insert a USB memory stick containing the desired data file into the USB port on the front face of the time switch.
3. Press ENTER and *insUSb* is briefly displayed.
4. *SCHEdL.xx* is displayed where xx is the first data file number found on the USB memory stick.
5. Press + or - to scroll through the data files on the USB memory stick (if more than one file is stored on this stick).
6. When the desired number is displayed, press ENTER and the time switch will read the data file from the USB memory stick.
7. After the file is read into the time switch, *DONE* is briefly shown on the display followed by *REMOVE*.
8. Remove the USB memory stick and the time switch will advance to the next mode selection. If all procedures are completed, press MODE repeatedly until back to the operating mode selection (AUTO, ENERGY SAVER, MANUAL).

Source: http://www.intermatic.com/-/media/inriver/5166-8270.ashx (last visited November 21, 2016).

64. As a direct and proximate consequence of the infringement, Cantigny has been, is being, and, unless such acts and practices are enjoined by the Court, will continue to be injured in its business and property rights, and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to compensate for such infringement, but in no event less than a reasonable royalty.

65. Cantigny reserves the right to amend the pleadings to state claims for infringement for claims of the '116 Patent not mentioned in ¶ 48.

66. Intermatic's infringement of the '610, '858 and '116 Patents has been wilful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Cantigny asks this Court to enter judgment against Intermatic and against its respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

A. An award of damages adequate to compensate Cantigny for the infringement that has occurred, together with prejudgment interest from the date infringement of the Cantigny Patents began and statutory costs;

B. An award to Cantigny of all remedies available under 35 U.S.C. § 284;

C. An award to Cantigny of all remedies available under 35 U.S.C. § 285;

D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the Cantigny Patents; and,

E. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Cantigny demands a trial by jury on all issues so triable.

Dated: November 30, 2016

Cantigny Lighting Control, LLC

By: /s/ Robert P. Greenspoon_____

Robert P. Greenspoon
William W. Flachsbart
Joseph C. Drish
FLACHSBART & GREENSPOON, LLC
333 North Michigan Avenue, Ste 2700
Chicago, IL 60601
T: 312-551-9500
F: 312-551-9501

Attorneys for Plaintiff
Cantigny Lighting Control, LLC